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NOTE: Pursuant to Fed. Cir. R. 47.6, this order  
is not citable as precedent. It is a public order.

# United States Court of Appeals for the Federal Circuit

**SOLICITOR**

DEC - 6 2004

04-1360  
(Serial No. 08/458,019)

**U.S. PATENT & TRADEMARK OFFICE**

IN RE ERIC A. JOHNSON, HUEI-HSIUNG YAN,  
BERIL GELDIAY-TUNCER, WILLIAM T. HALL, DAVID SCHREIBER,  
and KWOK HO (Real Party in Interest Biotechnology, Inc.),

ON MOTION

Before NEWMAN, Circuit Judge.

## ORDER

Upon consideration of the parties' joint motion to remand the case to the United  
States Patent and Trademark Office for further proceedings,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

**OCT 20 2004**

Date



Pauline Newman  
Circuit Judge

cc: Dean H. Nakamura, Esq.  
John M. Whealan, Esq.

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**OCT 20 2004**

ISSUED AS A MANDATE: \_\_\_\_\_

**CERTIFIED COPY**  
I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE.

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**FILED**  
**U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT**

**OCT 20 2004**

**JAN HORBALY  
CLERK**

By: Pauline Newman Date: 12/2/04